

# Exhibit 2

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CIRCUIT COURT OF THE STATE OF MARYLAND  
COUNTY OF BALTIMORE

JEFF ALBAN, et al., )  
                        )  
                        Plaintiffs, )  
                        )County Case No.  
vs.                   )03-C-06-010932  
                        )OT  
EXXONMOBIL CORPORATION,)  
et al.,               )  
                        )  
                        Defendants. )

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January 31, 2008

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CONFIDENTIAL Videotaped  
Deposition of KENNETH RUDO, Ph.D., held  
in the law offices of Venable, LLP, 210  
Allegheny Avenue, Towson, Maryland  
21285-517, beginning at approximately  
9:47 a.m., before Ann V. Kaufmann, a  
Registered Professional Reporter,  
Certified Realtime Reporter, Approved  
Reporter of the U.S. District Court, and  
a Notary Public.

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GOLKOW TECHNOLOGIES, INC.  
One Liberty Place, 51st FLoor  
Philadelphia, Pennsylvania 19103  
877.370.3377

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1 APPEARANCES:

2 SNYDER, WELTCHEK & SNYDER  
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6 EXXON MOBIL CORPORATION  
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8 Houston, TX 77252  
(713) 656-2583  
9 Counsel for Exxon Mobil Corporation

10 PRESENT:

11 SCOTT PICKERING, Videographer  
Golkow Technologies, Inc.

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# EXAMINATION INDEX

KENNETH RUDO, Ph.D.

**5 EXHIBIT INDEX**

MARKED

Rudo

|    |   |  |
|----|---|--|
|    |   |  |
| 8  | 1 | Three-page invoice of Kenneth Rudo   |
| 9  | 2 | Preliminary Expert Report and CV of Kenneth M. Rudo Ph.D., with attachments  |
| 10 | 3 | Expert report of Ira L. Whitman, Ph.D.   |
| 11 |   | June 2007  |
| 12 | 4 | Chart  |
| 13 | 5 | Article entitled "The Risk of MTBE Relative to Other VOCs in Public Drinking Water in California," 2004                          |
| 14 |   |  |
| 15 | 6 | Document entitled "A Probabilistic Assessment of Household Exposures to MTBE from Drinking Water," 2000                          |
| 16 |   |  |
| 17 | 7 | Article entitled "Overview of MTBE and TBA Exposures and Human Health Risk in the U.S.," 2002                                    |
| 18 |   |  |
| 19 | 8 | Article entitled "Dermal, Oral, and Inhalation Pharmacokinetics of Methyl Tertiary Butyl Ether (MTBE) in Human Volunteers," 2003 |
| 20 |   |  |
| 21 |   |  |
| 22 |   |  |
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1                   THE VIDEOGRAPHER: We're now  
2 on the record. My name is Scott  
3 Pickering. I'm a videographer from  
4 Golkow Technologies, Inc., One Liberty  
5 Place, 1650 Market Street, 51st floor,  
6 Philadelphia, Pennsylvania. Today's  
7 date, January 31, the year 2008, and the  
8 time is now 9:47 a.m.

9                   This video deposition is  
10 being held at Venable, LLP, at 210  
11 Allegheny Avenue, Towson, Maryland, in  
12 the matter of Jeff Alban, et al., versus  
13 Exxon Mobil Corporation, et al., for the  
14 Circuit Court of the state of Maryland,  
15 County of Baltimore. The deponent is  
16 Kenneth Rudo.

17                  Will counsel please identify  
18 themselves for the record.

19                  MR. WELTCHEK: Bob Weltchek  
20 here on behalf of the plaintiffs and on  
21 behalf of Dr. Rudo.

22                  MR. STACK: Bill Stack on  
23 behalf of Exxon Mobil.

24                  THE VIDEOGRAPHER: The court

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1 reporter today is Ann Kaufmann, and she  
2 will now swear in the witness.

3 -----

4 ...KENNETH RUDO, Ph.D., 5505

5 Six Forks Road, Raleigh, NC 27609,  
6 having been duly sworn, was examined and  
7 testified as follows:

8 EXAMINATION

9 BY MR. STACK:

10 Q. Please state your full name  
11 for the record.

12 A. Kenneth Mark Rudo.

13 Q. And what is your current  
14 business address?

15 A. Oh, I have a lot of trouble  
16 memorizing the Zip code, so if you'll  
17 forgive the Zip part of it. But it's --  
18 I believe it's 5505 Six Forks Road,  
19 Raleigh, North Carolina, and it would be  
20 the North Carolina Division of Public  
21 Health.

22 Q. And your employer is the  
23 State of North Carolina?

24 A. Yes, sir.

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1 A. Correct.

2 Q. And did you ever attempt to  
3 quantify that risk?

4 A. Once again, I haven't been  
5 tasked to do it. That would be up to  
6 the law firm.

7 Q. And with respect to  
8 exposure to MTBE, do you know if any of  
9 the plaintiffs have a statistically  
10 significant increase in their likelihood  
11 of contracting cancer as a result of  
12 exposure to MTBE in this case?

13 A. Yes.

14 Q. And what is your opinion?

15 A. Well, it's essentially what  
16 I say in here. I mean qualitatively, to  
17 begin with, you know, as a toxicologist  
18 working with a mutagenic carcinogen, you  
19 know, at any level, there is no  
20 threshold for safety for a mutagenic  
21 carcinogen, so any level poses an  
22 increased risk. So anybody that has  
23 it in their -- has MTBE is at an  
24 increased risk. And that's pretty much,

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1 you know, as far as -- you know, that's  
2 basically what I'm stating here.

3 Q. And in the course of  
4 developing that qualitative opinion, you  
5 base that on the fact that the exposure  
6 to MTBE, in your opinion, that's  
7 appropriate is zero; am I correct?

8 A. Yes. Well, for -- in terms  
9 of saying what is a safe level, zero  
10 would be it.

11 And you would find, I think,  
12 also when EPA sets their maximum  
13 contaminant levels for public water  
14 systems, they have what's called a  
15 maximum contaminant level goal, MCLG,  
16 and they set that as zero for  
17 carcinogens because that's the -- we're  
18 basically working off the same piece of  
19 paper here in that a mutagenic  
20 carcinogen, in theory, has no safe  
21 level.

22 Q. Now, with regard to  
23 MCLGs -- and you anticipated my next  
24 question -- does the EPA designate MTBE